

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT HARDEN, Biological Father
of H.M.H;

Plaintiff,

vs.

STATE OF NEBRASKA, AMBER
RENE SABIN, Biological Mother of
H.M.H.; JAMES WALTER
CRAMPTON, in his Official and
Unofficial Capacity; BARBARA
PROKUPEK, Cass County Clerk of the
Court, in her Official and Unofficial
Capacity; FEDERAL BUREAU OF
INVESTIGATIONS, (Omaha Branch) in
it's Official Capacity; JEREMY
SEAVEY, SHARON MCGEE, JUDGE
MICHAEL SMITH, in his Official and
Unofficial Capacity; and ANY AND
ALL UNKNOWN PERSONS, in their
Official and Unofficial Capacities;

Defendants.

8:21CV307

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Robert Harden's Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing 5.) As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot

bring a civil action . . . or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. §1915(g).

This court has previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *See Harden v. The State of Nebraska et al.*, Case No. 4:17CV3095 (D.Neb.) ([Filing 8](#), August 16, 2017 Memorandum and Order requiring Plaintiff to show cause why case should not be dismissed pursuant to PLRA's "three strikes" provision). Plaintiff acknowledged in his IFP motion that he is subject to the "three strikes" provision in 28 U.S.C. § 1915(g). (Filing 5 at CM/ECF p. 3.) On August 30, 2021, the court received Plaintiff's payment of the full \$402.00 filing fee.¹ Accordingly,

IT IS ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis (filing 5) is denied.
2. Plaintiff is advised that the next step in Plaintiff's case will be for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. §§ 1915(e)(2) and 1915A. The court will conduct this initial review in its normal course of business.

Dated this 31st day of August, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

¹ Plaintiff actually submitted a payment of \$450.00 to the court, resulting in an overpayment of \$48.00. The overpayment will be refunded in due course.